

Applic. No. 10/653,793
Amdt. dated November 10, 2005
Reply to Office action of August 10, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-5 and 7-10 remain in the application. Claims 1, 7, and 9 have been amended. Claims 6 and 11-15 are being cancelled herewith.

In the second paragraph on page 2 of the above-identified Office action, claims 1-15 have been rejected as being obvious over Toshiaki (JP 01012018) in view of Okabe et al. (U.S. Patent No. 5,791,043) (hereinafter "Okabe") under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and as a whole, the claims have, therefore, not been amended to overcome the references. However, in order to facilitate prosecution of the application, claim 1 has been amended to include the subject matter of claims 6 and 11.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

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stacking and subsequently winding the metal foils in an S shape or arranging the metal foils to run in an involute form from an inside outward.

The Toshiaki and Okabe references both disclose spirally wound honeycomb bodies.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest stacking and subsequently winding the metal foils in an S shape or arranging the metal foils to run in an involute form from an inside outward, as recited in claim 1 of the instant application. Both the Toshiaki and Okabe references disclose spirally wound honeycomb bodies. This is contrary to the invention of the instant application as claimed, which recites stacking and subsequently winding the metal foils in an S shape or arranging the metal foils to run in an involute form from an inside outward.

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The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that a *prima facie* case of obviousness does not exist.

Claim 1 also calls for, *inter alia*:

providing metal foils and forming a void in at least one of the metal foils and subsequently forming the metal foils for at least partially providing structures on the metal foils.

The Examiner correctly stated that Toshiaki does not disclose forming voids in the metal foil prior to forming structures.

It is respectfully noted that the Examiner's comments on page 3 of the Office action, that Okabe discloses forming voids on the metal foil and subsequently forming structures on the foil, are incorrect. More specifically, Okabe discloses forming plural openings in a flat sheet of a metal and laminating one piece of the flat sheet having the openings formed therein and one piece of a corrugated sheet of a metal. Okabe discloses forming voids only in the flat sheet. Okabe does not disclose that the corrugated sheet has any voids formed therein. Okabe does not disclose structuring the flat sheet having voids therein. Therefore, it is respectfully noted that the Examiner's comments pertaining to Okabe are not correct.

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It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

As seen from the above given comments, the references do not show or suggest providing metal foils and forming a void in at least one of the metal foils and subsequently forming the metal foils for at least partially providing structures on the metal foils, as recited in claim 1.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

In the penultimate paragraph on page 3 of the Office action, claims 4-5, 8, and 11-15 being obvious over Toshiaki/Okabe as modified above under 35 U.S.C. § 103. Since claim 1 is believed to be allowable, dependent claims 4-5 and 8 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since

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all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-5 and 7-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,



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